

# EXHIBIT 11

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
                          )  
                          Plaintiff, )  
                          )  
                          )  
                          -vs- ) No. 5:19-cv-4063  
                          )  
SCHUSTER CO, )  
                          )  
                          )  
                          Defendant. )

The videoconference deposition of  
JEFFREY ARENS, called by the Plaintiff for  
examination, taken pursuant to the Federal  
Rules of Civil Procedure of the United States  
District Courts pertaining to the taking of  
depositions before MAUREEN A. WOODMAN, a notary  
public within and for the County of Cook and  
State of Illinois, on the 1st day of July,  
2020, at the hour of 9:00 o'clock a.m.

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EEOC APP 328

1 PRESENT:

2 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
3 BY: MR. MILES SHULTZ  
4 MS. ELIZABETH BANASZAK  
5 (Via videoconference)  
6 230 South Dearborn Street  
7 Suite 2920  
8 Chicago, Illinois 60604  
9 312.872.9718  
10 Miles.shultz@eeoc.gov  
11 Belzabeth.banaszak@eeoc.gov,

12 on behalf of the Plaintiff;

13 KLASS LAW FIRM, LLP.  
14 BY: MR. DOUGLAS PHILLIPS  
15 (Via videoconference)  
16 4280 Sergeant Road  
17 Suite 290  
18 Sioux City, Iowa 51106  
19 712.252.1866  
20 Phillips@klasslaw.com,

21 on behalf of the Defendant.

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( ATTACHED )

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1 THE COURT REPORTER: All parties are aware  
2 that the witness will be sworn remotely.  
3 Remote depositions are more challenging. We  
4 kindly ask all participants to speak clearly  
5 and one at a time.

10 My name is Maureen Woodman of  
11 Thompson Court Reporters. Beginning with the  
12 noticing party, will counsel please introduce  
13 themselves, state whom they represent and  
14 stipulate to the swearing in of the witness  
15 remotely.

16 MS. BANASZAK: This is Elizabeth Banaszak  
17 for plaintiff EEOC. And the EEOC will  
18 stipulate to swearing the witness remotely.

19 MR. SHULTZ: Miles Shultz for the EEOC.

20 MR. PHILLIPS: Doug Phillips for defendant.  
21 Defendant stipulates.

22 MR. ARENS: Jeff Arens, Schuster Company.

23 (Witness was duly  
24 sworn.)

1 JEFFREY ARENS,  
2 called as a witness herein, after having been  
3 first duly sworn, was examined and testified as  
4 follows:

## EXAMINATION

6 | BY MS. BANASZAK:

7 Q. Good morning, Mr. Arens. Am I saying  
8 that correctly, Arens?

9 A. Yes.

10 Q. Great. Can you please state your full  
11 name for the record?

12 A. Jeffrey Joseph Arens.

13 Q. Have you ever gone by any other name?

14 A. No.

15 Q. Would you prefer if I call you Mr.

16 | Arens today or is Jeff all right?

17 A. Jeff is fine.

18 Q. Jeff, have you ever been a plaintiff  
19 or defendant in a lawsuit?

20 A. NO.

21 Q. Have you ever given deposition  
22 testimony prior to today?

23 A. Yes.

24 Q. How many times?

1           Q.    What do you know about what they're  
2 saying to you when explaining the test and  
3 hooking you up to it?

4           A.    Just what you are required to do and  
5 that you exert force in both directions and to  
6 give it your full effort.

7           Q.    And when you're done with the test,  
8 the person there does not tell you your score  
9 or whether you passed, correct?

10          A.    Correct.

11          Q.    Do you know if they can tell what your  
12 score was? Can they see what your scoring is  
13 as they are giving the test?

14          A.    I'm not aware if they can see that or  
15 not. I haven't seen the computer side of that.

16          Q.    For drivers, they need to get at least  
17 a 151 to pass; is that correct?

18          A.    That is correct.

19          Q.    And that has been true since -- at all  
20 times since 2014?

21          A.    Since the test was implemented, yes.

22          Q.    And there aren't different categories  
23 of drivers, correct, it's just a 151 for anyone  
24 who's a driver at Schuster?

1           A.    Correct.

2           Q.    Schuster requires applicants to take  
3    the CRT test after they get the conditional  
4   offer of hire, correct?

5           A.    Correct.

6           Q.    And then if the person fails the CRT  
7    test, their conditional offer of hire is  
8   revoked?

9           A.    That is correct.

10          Q.    Had that been true since 2014?

11          A.    Yes.

12          Q.    And is that true for all positions at  
13    Schuster, like if someone is in an office job  
14   and they don't score their necessary score on  
15   the CRT test, is their offer revoked?

16          A.    That is correct.

17          Q.    And that's true for positions at  
18   Schuster?

19          A.    Yes.

20          Q.    Are you aware of any situation where  
21   someone failed the CRT test as an applicant and  
22   did not have their offer revoked?

23          A.    No.

24          Q.    You are not aware of any exceptions